

ATTACHMENT A

ORDINANCE NO. 7684

AN ORDINANCE AMENDING TITLE 9 RELATED TO THE
"COMPATIBLE INFILL DEVELOPMENT PROJECT" BY THE
ADDITION OF LAND USE REGULATIONS THAT AFFECT
BUILDING SIZE, COVERAGE, AND FLOOR AREA RATIOS
IN THE RR-1, RR-2, RE, RL-1 RL-2 AND RMX-1 ZONING
DISTRICTS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 9-1-4, B.R.C. 1981 is amended to read:

9-1-4 Transitional Regulations.

This section addresses the applicability of new substantive standards enacted by this title to activities, actions, and other matters that are pending or occurring as of the effective date of this title.

(a) Building Permits: This title will be amended from time to time. Any building permit in effect prior to the effective date of a specific amendment to this title will not be subject to the requirements of the subsequent amendment.

(b) Expiration of Development Approvals:

(1) Any approval previously granted, including, without limitation, site reviews, use reviews, planned unit developments, special reviews, height reviews, nonconforming reviews, and variances, becomes subject to the provisions of any amendment to this title, unless application for a building permit has been made, or a certificate of completion has been issued pursuant to such approval by the date falling one year after the effective date of such respective amendment.

(2) If a building permit has been issued on any such development approval by September 15, 2006, it may be continued under the conditions of its approval, but it may only be amended or modified in accordance with the minor modification and amendment provisions of sections 9-2-14, "Site Review," and 9-2-15, "Use Review," B.R.C. 1981.

(c) Expiration of Exceptions, Planned Developments, and Planned Residential Developments: Any exception, PD (planned development) or PRD (planned residential development) is subject to the provisions of this title, unless construction of such exception, PD, or PRD commenced by February 8, 1984. If, by February 8, 1984, a building permit had been issued for any use or occupation of land previously approved as an exception, a PD, or a PRD, such use or occupation may be continued under the conditions of its approval. Any change in the use or occupation of such land shall be made in accordance with the amendment provisions of section 9-2-14, "Site Review," B.R.C. 1981.

1 (ed) Additional Development Regulations: Notwithstanding the provisions of subsections (b)
2 and (c) above, additional development regulations may be imposed as part of a building
3 permit approval upon properties in a previously granted and otherwise valid development
4 approval, including without limitation site reviews, use reviews, planned unit developments,
5 planned developments, planned residential developments, exceptions, special reviews,
6 height reviews, nonconforming reviews, and variances, that are inconsistent with the terms
7 and conditions of the development approval, if:

8 (1) The standard is expressly stated in the land use regulations as applicable to such
9 development request; and

10 (2) The standard will not violate the terms of an annexation agreement or a vested right that
11 was granted pursuant to section 9-2-19, "Vested Rights," B.R.C. 1981.

12 (de) Existing Uses That Require a Use Review or Conditional Use Approval: Any previously
13 approved use that was established prior to the adoption of new regulations that make such
14 use permitted only pursuant to a conditional use or a use review shall be allowed to continue
15 in operation. Any change or expansion of a use that was established prior to the adoption of
16 new regulations that make such use permitted pursuant to a conditional use or a use review
17 shall be made in conformance with the applicable standards for use review, conditional uses,
18 or for changes or expansions to nonconforming uses. If active and continuous operations of
19 such a use are not carried on for a period of one year, it shall thereafter be occupied and used
20 by a use meeting the requirements of this title, as required by subsection 9-10-2(a), B.R.C.
21 1981.

22 (ef) Violations Continue: Any violation of the previous land development regulations of the city
23 shall continue to be a violation under this title and shall be subject to the penalties and
24 enforcement set forth in chapter 9-15, "Enforcement," B.R.C. 1981, unless the use,
development, construction, or other activity is clearly consistent with the express terms of
this title.

Section 2. Subsections 9-2-3(c) and (d), B.R.C. 1981 is amended to read:

9-2-3 Variances and Interpretations.

...

(c) Administrative Variances: The city manager may grant a variance from:

(1) The minimum yard setback requirement of section 9-7-1, "Schedule of Form and
Bulk Standards," B.R.C. 1981, of up to twenty percent of the required yard setback,
if the manager finds that the application satisfies all of the requirements in
subsection (h) of this section and if the applicant obtains the written approvals of
impacted property owners.

(2) The minimum requirements of section 9-7-9, "Side Yard Bulk Plane," and section 9-7-
10, "Side Yard Wall Articulation," for lots 4,600 square feet or less or for lots forty-
eight feet in width or less based on the average lot width measured at the front yard

1 setback, midpoint of the lot, and the rear yard setback, if the city manager finds that
2 the application satisfies all of the requirements of subsection (h)(5) of this section.

3 (3) The minimum requirements of section 9-7-11, "Maximum Building Coverage," and
4 section 9-8-2, "Floor Area Ratio Requirements," to existing single-family dwelling
5 units by up to two hundred square feet. The purpose of this administrative variance
6 is to permit minor modifications to single-family dwelling units that will allow
7 residents or a family member of a head of household with existing or anticipated
8 impairments that restricts their ability to perform a major life activity to be in the
9 home. This variance may be granted if the city manager finds that:

- 10 (A) The request meets the requirements of paragraphs (h)(5)(A) and (B); and
11 (B) The improvements are necessary to remedy any impairment, or anticipated
12 impairment, that would prohibit or significantly restrict a resident's or a
13 family member of a head of household's ability to perform a major life
14 activity as compared to the ability of the average person in the general
15 population to perform the same activity.

16 (4) The height of the plane above a side lot line in bulk plane requirements of section 9-
17 7-9, "Side Yard Bulk Plane," B.R.C. 1981 and the side yard wall articulation standards
18 of section 9-7-10, "Side Yard Wall Articulation Standards," B.R.C. 1981 may varied
19 by up to twenty percent and the building coverage requirements of section 9-7-11,
20 "Maximum Building Coverage," or the floor area ratio requirements and section 9-8-2,
21 "Floor Area Ratio Requirements," by up to two hundred square feet for existing
22 single-family dwelling units if the manager finds that the application satisfies all of
23 the requirements in subsection (h) of this section.

24 (5) Maximum variance that may be granted to a lot under paragraphs (c)(3) or (c)(4)
above shall be a total of two hundred square feet of floor area or building coverage.

(6) If written approvals of impacted property owners cannot be obtained, the applicant
may apply for consideration of the variance before the BOZA.

(7) Applicants shall apply for the variance on a form provided by the city manager and
shall pay the application fee required by title 4, "Licenses and Permits," B.R.C.
1981, at time of submittal of the application.

(8) The city manager may also grant variances or refer variance requests to the BOZA
to allow development not in conformance with the provisions of this title which
otherwise would result in a violation of federal legislation, including but not limited
to the Federal Fair Housing Act or the Americans with Disabilities Act.

(d) Board of Zoning Adjustment (BOZA): The BOZA may grant variances from the
requirements of:

- (1) Setbacks, ~~and separation and bulk plane~~ requirements listed in section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, and standards referred to in that section;
- (2) The building coverage requirements of section 9-7-11, "Maximum Building Coverage" and chapter 9-10, "Nonconformance Standards," B.R.C. 1981;
- (3) The spacing requirements for mobile homes of section 9-7-~~1310~~, "Mobile Home Park Form and Bulk Standards," B.R.C. 1981;
- (4) The porch setback and size requirements of section 9-7-4, "Setback Encroachments for Front Porches," B.R.C. 1981;
- (5) The side yard wall articulation standards of section 9-7-10, "Side Yard Wall Articulation Standards," B.R.C. 1981.
- (6) The size and parking setback requirements for accessory units of subsection 9-6-3(a), B.R.C. 1981;
- (67) The total cumulative building coverage requirements for accessory buildings of section 9-7-8, "Accessory Buildings in Residential Zones," B.R.C. 1981;
- (78) The use of a mobile home for nonresidential purposes subject to the requirements of subsection 10-12-6(b), B.R.C. 1981;
- (89) The parking requirements of subsection 9-9-6(d), B.R.C. 1981, with regards to parking in landscaped front yard setbacks;
- (910) Sign code variances and appeals as permitted by subsection 9-9-21(s), B.R.C. 1981; and

In granting any variance, the board may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this title.

...

Section 3. Subsection 9-2-14(c), B.R.C. 1981 is amended to read:

9-2-14 Site Review.

...

- (c) Modifications to Development Standards: The following development standards of B.R.C. 1981 may be modified under the site review process set forth in this section:
 - (1) Section 9-7-1, "Schedule of Form and Bulk Standards," and standards referred to in that section except for the floor area requirements.
 - (2) 9-8-1, "Schedule of Intensity Standards," table 8-1, minimum lot area (in square feet unless otherwise noted) and the floor area ratio standards to permit the averaging of floor area across multiple building sites within a zoning district.
 - (3) 9-8-4, "Housing Types and Density Bonuses within an RMX-2 Zoning District"
 - (4) 9-9-3(a), window requirements for buildings.
 - (5) 9-9-4, "Public Improvements" and subsection 9-12-12(a), standards for lots and public improvements, conditions required, only to the extent that certain development

criteria for alternative street standards are noted in the City of Boulder Design and Construction Standards.

- (6) 9-9-5, "Site Access Control."
- (7) 9-9-6, "Parking Standards."
- (8) 9-9-7, "Sight Triangles."
- (9) 9-9-9, "Off-Street Loading Standards."
- (10) 9-7-~~13~~10, "Mobile Home Park Form and Bulk Standards."
- (11) 9-9-12, "Landscaping and Screening Standards."
- (12) 9-9-11(c), "Open Space Standards for Buildings Over Twenty-Five Feet in Height."
- (13) 9-9-13, "Streetscape Design Standards."
- (14) 9-2-14(h)(2)(I) and (h)(2)(J) land use intensity modifications for nonresidential buildings.
- (15) 9-9-14, "Parking Lot Landscaping Standards."
- (16) 9-9-15, "Fences and Walls."
- (17) 9-9-17, "Solar Access."
- (18) 10-12-7, "Accessory Structures."
- (19) 10-12-13, "Mobile Home Park Environmental Standards."
- (20) 10-12-14, "Nonresidential Uses in Mobile Home Parks."
- (21) 10-12-18, "Windbreaks."
- (22) 10-12-19, "Mobile Home Park Streets and Walkways."
- (23) 10-12-23, "Permanent Buildings."

...

Section 4. Section 9-7-1, B.R.C. 1981 is amended by adding and amending the following regulations in Table 7-1, to read:

TABLE 7-1: FORM AND BULK STANDARDS

<u>Zoning District</u>	<u>A</u> <u>RR-1</u>	<u>RR-2</u> <u>RE</u>	<u>RH-2</u> <u>RH-5</u> <u>P</u>	<u>RL-1</u> <u>RM-2</u> <u>RMX-1</u> <u>1</u>	<u>BT-1</u> <u>2</u>	<u>BT-1</u> <u>1</u> <u>BC</u> <u>BR</u> <u>IS-1</u> <u>IS-2</u> <u>IG</u> <u>IM</u>	<u>RL-2</u> <u>RM-1</u> <u>1</u>	<u>RH-4</u> <u>4</u>	<u>MU-1</u>	<u>RM-3</u> <u>RH-1</u> <u>RH-6</u>	<u>RMX-2</u> <u>2</u>	<u>RH-3</u> <u>RH-7</u>	<u>BCS</u>	<u>MU-3</u> <u>3</u>	<u>BMS</u> <u>MU-4</u>	<u>DT-1</u> <u>DT-2</u> <u>DT-3</u> <u>DT-5</u>	<u>DT-4</u>	<u>MU-2</u> <u>IMS</u>	<u>MH</u>	
<u>Form Module</u>	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	
SETBACK AND SEPARATION REQUIREMENTS																				
<i>Principal Building and Uses</i>																				
<u>Minimum Side Yard Bulk Plane</u>	<u>See § 9-7-9</u>																			
BUILDING SIZE AND COVERAGE LIMITATION (Accessory and Principal Buildings)																				
<u>Maximum size-floor area of any principal building permitted by chapter 9-8</u>	<u>See Section 9-8-2 (FAR Requirements)</u>					<u>15,000 sq. ft.</u>			<u>See Section 9-8-2 (FAR Requirements)</u>					<u>15,000 sq. ft.</u>		<u>See Section 9-8-2 (FAR Requirements)</u>			<u>15,000 sq. ft.</u>	<u>n/a</u>
<u>Maximum total building coverage</u>	<u>See § 9-7-11</u>	<u>n/a</u>		<u>See § 9-7-11</u>	<u>n/a</u>		<u>See § 9-7-11</u>	<u>n/a</u>												
BUILDING DESIGN REQUIREMENTS																				
<u>Wall length articulation standards for side walls over 14' in height within 20' of side property line.</u>	<u>See § 9-7-10</u>		<u>See § 9-7-10</u>		<u>See § 9-7-10</u>		<u>See § 9-7-10</u>		<u>See § 9-7-10</u>											

1 Section 5. Section 9-7-3, B.R.C. 1981 is amended to read:

2 **9-7-3 Setback Encroachments.**

3 No structure or building shall be constructed or maintained in the required setback except for:

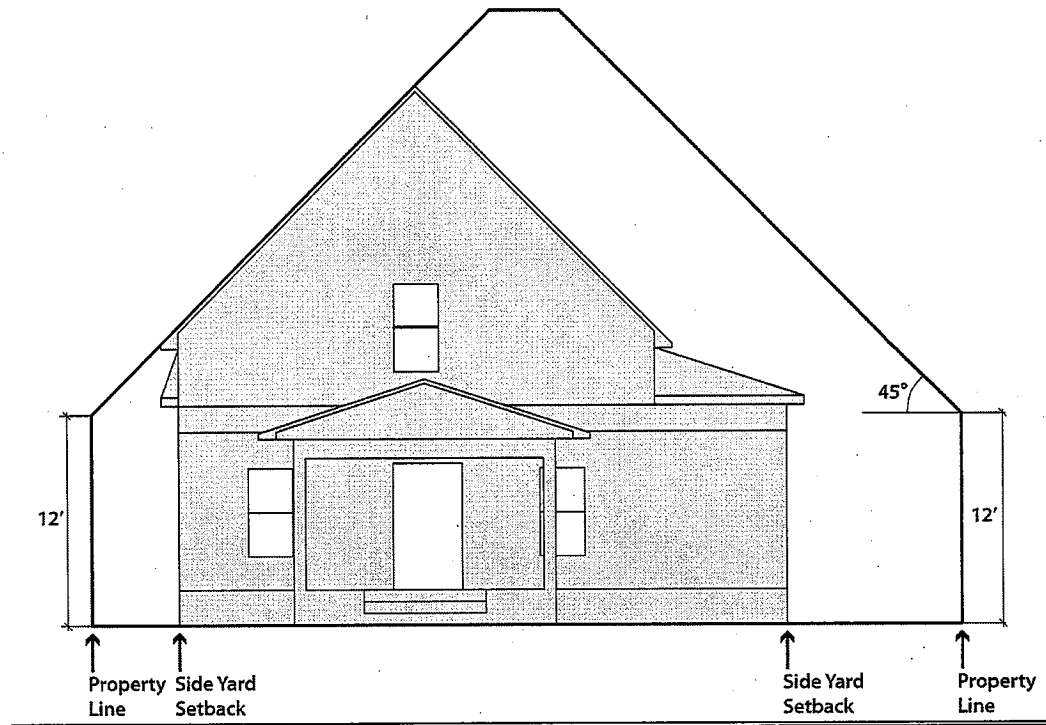
- 4 (a) A balcony, patio, or deck less than thirty inches in height;
- 5 (b) A stairway less than thirty inches in height;
- 6 (c) An encroachment of no more than thirty inches into the setback by a fireplace;
- 7 (d) A maximum of thirty inches of roof overhang;
- 8 (e) Insubstantial encroachments including without limitation electric meters, cable television or
9 phone utility boxes, wires, conduits, wall mounted light fixtures, air conditioner
10 compressors, windows or doors that may swing into a setback when open, radio or television
11 antennae, or small architectural details; or
- 12 (ef) The outer four feet of completely open, uncovered, cantilevered balconies that have a
13 minimum of eight feet vertical clearance below, which may project into any required yard
14 except an interior side yard of less than ten feet in width. A balcony may be placed above
15 another balcony if the railings along the exterior boundaries of all such balconies are not
16 more than fifty percent opaque, the railings do not exceed forty-two inches in height, and
17 there are no horizontal connections of any kind between balconies except the wall from
18 which the balconies are cantilevered.

19 Section 6. Chapter 9-7, B.R.C. 1981 is amended by the addition of three new sections,
20 9-7-9, 9-7-10 and 9-7-11, B.R.C. 1981, with the remaining sections to be renumbered, to read:

21 **9-7-9 Side Yard Bulk Plane.**

- 22 (a) Purpose: Buildings with tall side walls may impact privacy, views, or visual access to the
23 sky on neighboring properties. The purpose of this side yard bulk plane standard is to
24 ensure that buildings step down towards neighboring properties in order to enhance privacy,
25 preserve some views and visual access to the sky for lots or parcels that are adjacent to new
26 development.
- 27 (b) Scope: All construction related to principal and accessory buildings shall comply with the
28 bulk plane requirements of this section. This section applies to all construction related to
29 buildings including new construction, building addition or modification of existing
30 buildings as follows:
- 31 (1) All residential principal and accessory buildings in the RR-1, RR-2, RE, and RL-1
32 zoning districts; and
- 33 (2) All principal and accessory buildings that are used as a detached single family land
34 use in the RMX-1 zoning district.
- 35 (c) Measurement standards: The bulk plane is a plane that begins twelve feet above the side lot
36 lines of a lot or parcel, then rises over a slope at a forty-five degree angle until it reaches the

1 permitted height in the zoning district or intersects with the plane that is created by the lot
2 line on the opposite side of the lot or parcel. See Figure 9-9.



13 Figure 9-9: Side Yard Bulk Plane

14 The bulk plane begins at a point twelve feet above the side yard property line and then angles
15 forty-five degrees until the bulk plane reaches the maximum building height or intersects with the
16 plane that is created by the lot line on the opposite side of the lot or parcel.

17 The bulk plane shall be measured from the points described in paragraphs (c)(1) or (2)
18 below using one of the following methods:

- 19 (1) Grade level point method: The bulk plane shall be measured from the grade level
20 elevation points which are found, along the side property lines, that coincide with
21 location of the mid point of the lot or parcel, described as points that are equal
22 distance between the front and rear yards. The grade level points shall be as close to
23 possible to the natural grade, and in case a retaining wall is located on the side
24 property line, the ground level point shall be taken from the base of the wall. See
Figure 9-10. An applicant may request that the city manager determine the location
of the grade level points and corresponding bulk plane for irregularly shaped lots or
parcels, including flag lots; or

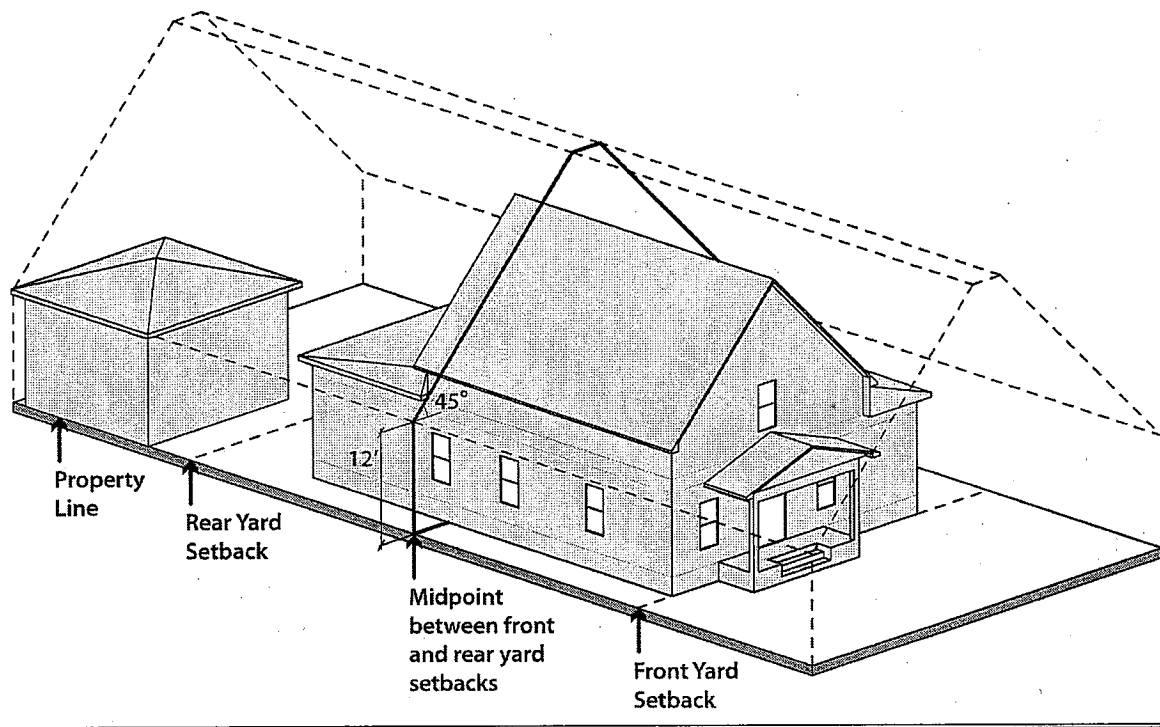


Figure 9-10: Side Yard Bulk Plane Measurement Using the Grade Level Point Method
Using the grade level point method, the bulk plane is measured from the midpoint between the front and rear yard setbacks.

- (2) Parallel points method: The bulk plane shall be measured from a series of measurement points that are separated horizontally by ten feet along the side yard property line. The measurement points shall be as close to possible to the natural grade, and in case a retaining wall is located on the side property line, the measurement point shall be taken from the base of the wall. See Figure 9-11.

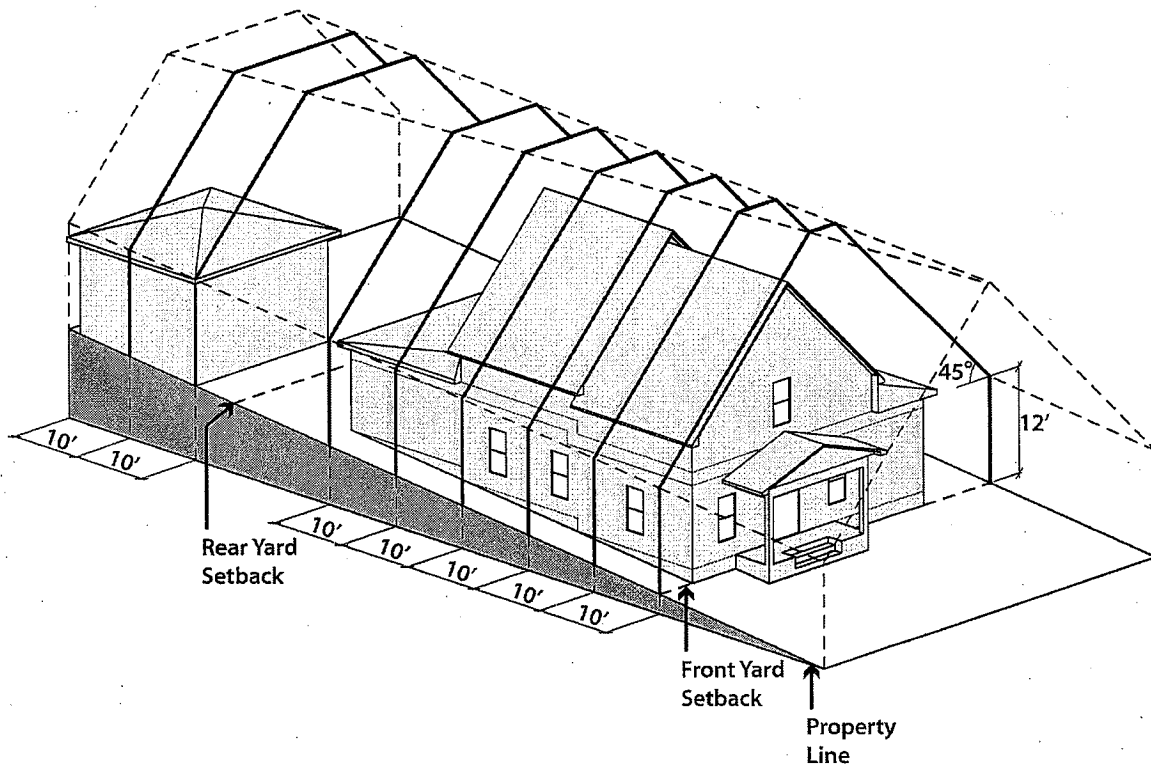


Figure 9-11: Side Yard Bulk Plane Measurement Using the Parallel Point Method

Using the parallel point method, the bulk plane is measured from a series of measurement points that are separated by ten feet along the side yard property line.

(d) Encroachments: No building or portion thereof shall be constructed or maintained beyond the required bulk plane except as provided for below.

(1) Any encroachment approved pursuant to section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981, for an individual landmark or within a historic District.

(2) Roof overhangs or eaves for the primary roof, provided that the roof overhang or eaves do not extend more than thirty inches horizontally beyond the bulk plane limit. The primary roof is the dominate roof element that generally includes the upper most portion of the roof, such as the ridgeline of a sloping roof. The primary roof is not the gable end of a sloping roof form or a dormer as described in this section.

(3) A rooftop solar system, that is: (A) flush-mounted to the roof; or (B) mounted at up to a fifteen degree angle measured from a horizontal plane, provided that the roof structure supporting the solar system does not extend beyond the bulk plane limit.

(4) The gable end of a sloping roof form, provided that:

(A) The roof ridge of the gable end does not extend more than eight feet beyond the bulk plane limit, including any roof overhang.

(B) The portion of the gable end that extends beyond the bulk plane limit has a maximum width of forty feet, including any roof overhang.

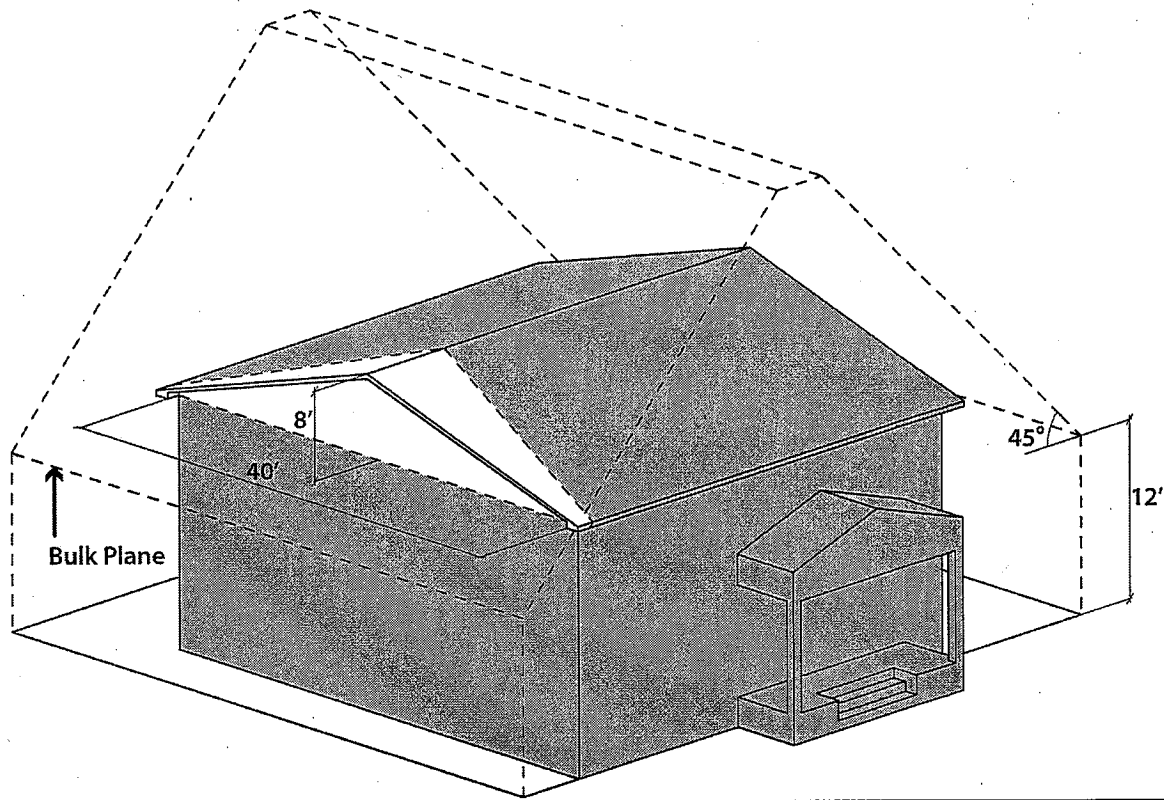


Figure 9-12: Gable Roof End Encroachment into the Side Yard Bulk Plane

The gable end of a sloping roof form may project through the side yard bulk plane by up to eight feet. Gable ends that project through the side yard bulk plane may be no more than forty feet wide.

(5) Dormers, provided that:

- (A) The highest point of any dormer is at or below the height of the primary roof ridge.
- (B) The portion of any dormer that extends beyond the bulk plane limit has a maximum width of eight feet, including any roof overhang.
- (C) The maximum height of any dormer is six feet or less, as measured from the surface of the roof on which it is located to the top of the dormer roof.
- (D) The combined width of all dormers does not exceed fifty percent of the length of the roof on which they are located.
- (E) The space between dormers is not less than one-half the width of the adjacent dormer or the average of the two if they are different sizes, whichever is greater.

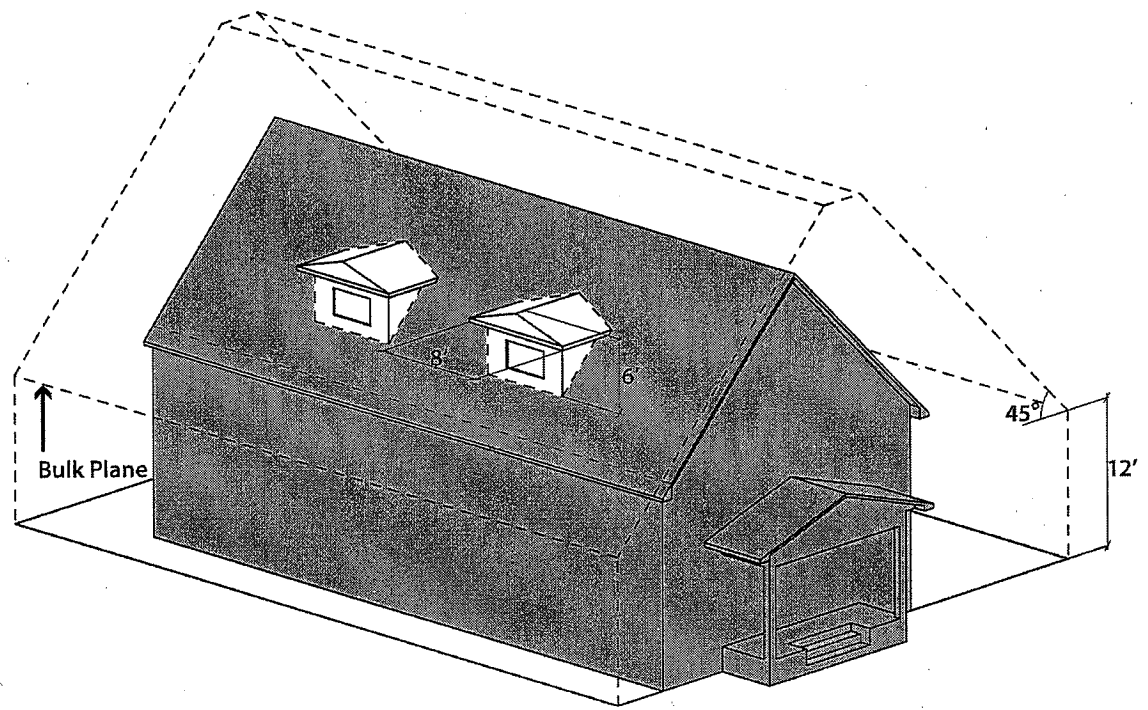


Figure 9-13: Dormer Encroachment into the Side Yard Bulk Plane

A dormer may project through the side yard bulk plane by up to six feet. A dormer that projects through the side yard bulk plane may be no more than eight feet wide.

- (6) A chimney that is no more than seventy inches wide and thirty inches deep.
- (7) Appurtenances that are otherwise permitted under section 9-7-7, "Building Height, Appurtenances," B.R.C. 1981.
- (8) Insubstantial encroachments that are small and do not substantially increase the bulk of the building including without limitation radio or television antennae, small architectural details or sculptural elements, or weather vanes.

(e) Exemptions:

- (1) Lots with an average width less than forty-five linear feet. Width measurements would be taken at the front yard setback, midpoint of the lot, and rear yard setback to determine the average lot width.
- (2) Lots that have less than four thousand square feet.
- (3) The bulk plane standards shall not apply to an interior side yard of a lot that is adjacent to a lot that includes either a nonresidential principal land use or a lot that includes two or more dwelling units within twenty feet of the property line for the length of the nonresidential building or the principal building of such dwelling units.

1 **9-7-10 Side Yard Wall Articulation.**

2 (a) Purpose: Buildings with tall side walls may impact privacy, views, or visual access to the
3 sky on neighboring properties. The purpose of the side yard wall articulation standard is to
4 reduce the perceived mass of a building by dividing it into smaller components, or to step
5 down the wall height in order to enhance privacy, preserve views, and visual access to the
6 sky for lots or parcels that are adjacent to new development.

7 (b) Scope: All construction related to principal and accessory buildings shall comply with the
8 side yard wall length articulation requirements of this section. This section applies to all
9 construction related to buildings including new construction, expansion, or modification of
10 existing buildings as follows:

11 (1) All residential buildings in the RR-1, RR-2, RE, and RL-1 zoning districts, including
12 lots located in planned developments, planned residential developments and planned
13 unit developments.

14 (2) All buildings that are used as a detached single family land use in the RMX-1 zoning
15 district; including lots located in planned developments, planned residential
16 developments and planned unit developments.

17 (3) In the RL-2 zoning district the side yard wall articulation requirements shall apply to
18 lots that are eight thousand square feet or larger, and:

19 (A) All lots and parcels used for detached single family land use that are not
20 within the boundaries of a planned development, planned residential
21 development, planned unit development or an approved site review.

22 (B) All lots and parcels used for detached single family land use that are within
23 the boundaries of a planned development, planned residential development;
24 planned unit development that are shown on Appendix H of this title.

(c) Side Yard Wall Standards: Within twenty feet of each side yard property line, the
cumulative length of any walls that exceed a height of fourteen feet shall not exceed forty
feet in length. The remaining walls on each side yard property line shall meet the following
standards:

(1) Any portion of the wall that exceeds a height of fourteen feet shall be set back at least
fourteen feet from the side property line or the wall shall not exceed fourteen feet
height.

(1) ~~Maximum uninterrupted wall length: No linear wall over fourteen feet in height and~~
~~within twenty feet of the side property line shall extend more than thirty-six feet~~
~~unless the following standards are met:~~

(A) ~~A wall offset of at least four feet and for a distance of not less than ten feet; or~~

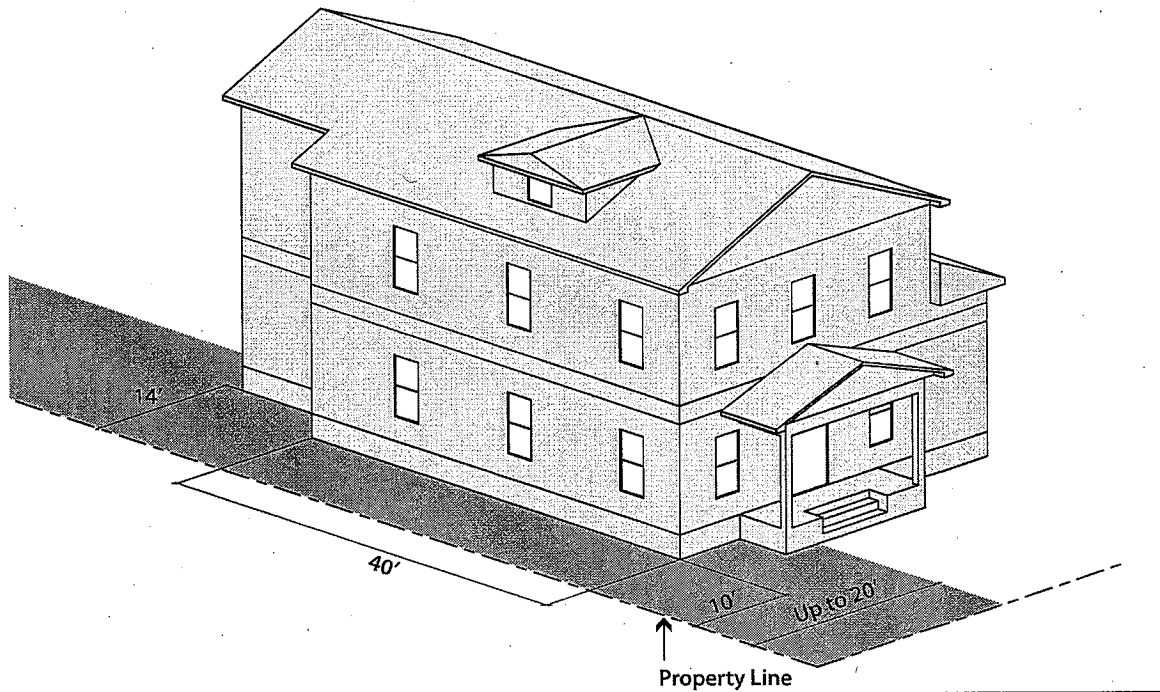
(B) ~~At or below the thirty-six foot wall length, the wall shall be reduced to fourteen~~
~~feet or less in height.~~

1 (2) For the purposes of this section, wall height shall be measured from finished grade as
2 follows:

3 (A) Sloped roofs shall be measured from adjacent finished grade to the point where
4 the vertical wall intersects with the sloped roof.

5 (B) Flat roofs shall be measured from adjacent finished grade to the top of the
6 parapet.

7 (C) Window wells or door wells as described under section 9-8-2(e)(1)(D) shall not
8 be counted as part of the wall height.



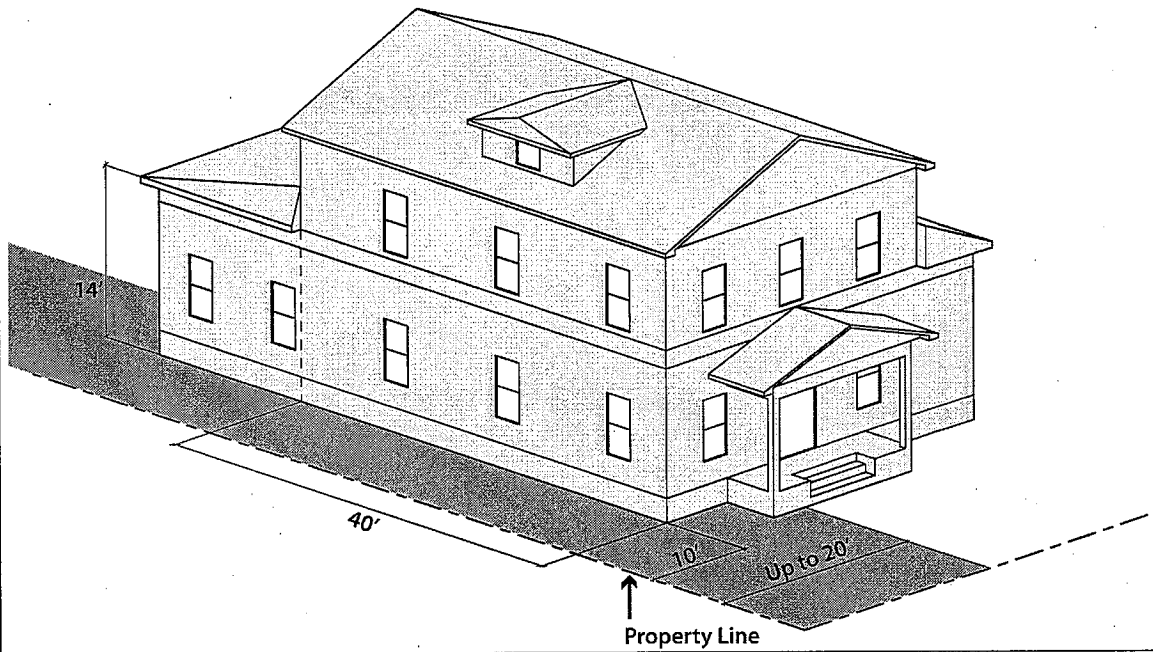


Figure 9-14: Wall Length Articulation

At the maximum wall length, the wall must either be set back from the property line by a minimum of fourteen feet (top image) or the height of the wall must reduce to fourteen feet or less (bottom image).

- Minimum wall offset length: The minimum wall offset must be at least ten feet before the wall can continue at its previous plane.

(d) Exemptions:

- (1) Individual Landmarks and Buildings Within Historic Districts: No wall shall be constructed or maintained in excess of the required wall articulation standards of this section except for any construction approved pursuant to section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981, for an individual landmark or for a property within a historic district.
- (2) Lots with an average width less than forty-five linear feet. Width measurements would be taken at the front yard setback, midpoint of the lot, and rear yard setback to determine the average lot width.
- (3) Lots that have less than four thousand square feet.
- (4) The side yard wall articulation standards shall not apply to an interior side yard of a lot that is adjacent to a lot that includes either a nonresidential principal land use or a lot that includes two or more dwelling units within twenty feet of the property line for the length of the nonresidential building or the principal building of such dwelling units.

9-7-11 Maximum Building Coverage.

(a) Purpose: The purposes of the building coverage standards are to establish the maximum percentage of lot surface that may be covered by principal and accessory buildings to preserve open space on the lot, and to preserve some views and visual access to the sky, and enhance privacy for residences that are adjacent to new development.

(b) Scope: All construction related to principal and accessory buildings shall comply with the building coverage requirements of this section. This section applies to all construction related to residential buildings including new construction, building additions or modification of existing buildings as follows:

(1) All residential and principal and accessory buildings in the RR-1, RR-2, RE, and RL-1 zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.

(2) All principal and accessory buildings that are used as a detached single family land use in the RMX-1 zoning district; including lots located in planned developments, planned residential developments and planned unit developments.

(3) In the RL-2 zoning district, the building coverage requirements shall apply to lots that are eight thousand square feet or larger, and:

(A) All lots and parcels used for detached single family land uses that are not within the boundaries of a planned development, planned residential development; planned unit development or an approved site review.

(B) All lots and parcels used for detached single family land use that are within the boundaries of a planned development, planned residential development; planned unit development that are shown on Appendix H of this title.

(c) Maximum Building Coverage: All principal and accessory buildings shall be constructed in a manner that does not exceed the maximum building coverage in table 7-2 below. For projects subject to site review in section 9-2-14, "Site Review," B.R.C. 1981, the building coverage calculation shall be based upon each dwelling unit that is proposed for the property.

TABLE 7-2: MAXIMUM BUILDING COVERAGE FOR RESIDENTIAL LAND USES

<u>Lot Size:</u>	<u>< 5,000 SF</u>	<u>5,000 to 10,000 SF</u>	<u>10,001 to 22,500 SF</u>	<u>> 22,500 SF</u>
<u>RR-1, RR-2, RE, RL-1, RL-2 and RMX-1</u>	<u>0.41</u>	<u>(Lot Size x 0.2) + 1,050</u>	<u>(Lot Size x 0.116) + 1,890</u>	<u>Lot Size x 0.20</u>

(d) Encroachments: No building or portion thereof shall be constructed or maintained in violation of the building coverage requirements of this section, except for any construction approved pursuant to section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981, for an individual landmark or within a historic district.

Section 7. Table 8-1: Intensity Standards, in section 9-8-1, B.R.C. 1981, is amended to read:

TABLE 8-1: INTENSITY STANDARDS

Zoning District	Intensity Module	Minimum Lot Area (in square feet unless otherwise noted)	Minimum Lot Area Per Dwelling Unit (square feet)	Number of Dwelling Units Per Acre	Minimum Open Space Per Dwelling Unit	Minimum Open Space on Lots (Residential Uses)	Minimum Open Space on Lots (Nonresidential Uses) (a)	Minimum Private Open Space (Residential Uses)	Maximum Floor Area Ratio
	1	5 acres	5 acres	0.2	0	-	10 - 20%	0	0
RR-1, RR-2	2	30,000	30,000	1.4	0	-	10 - 20%	0	See Table 8-3
RE	3	15,000	15,000	2.9	0	-	10 - 20%	0	See Table 8-3
RL-1	4	7,000	7,000	6.2	0	-	10 - 20%	0	0.8:1 See Table 8-3
Public	5	7,000	7,000	6.2	0	-	10 - 20%	0	0
RL-2	6	0	0	-	6,000	-	10 - 20%	0	See Table 8-3
RMX-1	7	6,000	6,000	7.3	600	-	10 - 20%	0	See Table 8-3
(Remaining rows unchanged...)									

Section 8. Subsection 9-8-2 (e), B.R.C. 1981 is amended to read:

9-8-2 Floor Area Ratio Requirements.

(e) District-Specific Standards:

- (1) Maximum Floor Area in the RR-1, RR-2, RE, RL-1, RL-2 and RMX-1 Zoning Districts: ~~In the RL-1 district, the maximum floor area above a basement shall be a floor area ratio of 0.8:1. The floor area above the basement is all the floor area of all levels, not including a basement, but including fifty percent of the floor area of a partially exposed lower level of a detached single family residential building in which less than fifty percent of the perimeter of the walls of that level are more than two feet above the adjacent grade, including, without limitation, walk out levels or terrace levels. All of the floor area of a partially exposed lower level of a detached single family residential building which exceeds two feet above grade for fifty percent or more of the perimeter of the walls shall be counted as floor area.~~

(A) Purpose: The purpose of a floor area ratio standard is to address the proportionality of building size to lot size and allow variation in building form within the established building envelope.

(B) Scope: All construction related to principal and accessory buildings shall comply with the floor area ratio requirements of this section. This section applies to all construction related to residence buildings including new construction, building additions or modification of existing buildings as follows:

- (i) All residential and principal and accessory buildings in the RR-1, RR-2, RE, and RL-1 zoning districts, including lots located in planned developments, planned residential developments and planned unit developments.
- (ii) All principal and accessory buildings that are used as a detached single family land use in the RMX-1 zoning district; including lots located in planned developments, planned residential developments and planned unit developments.
- (iii) In the RL-2 zoning district, the floor area ratio requirements shall apply to lots that are eight thousand square feet or larger, and:
- a. All lots and parcels used for detached single family land uses that are not within the boundaries of a planned development, planned residential development; planned unit development or an approved site review.

b. All lots and parcels used for detached single family land use that are within the boundaries of a planned development, planned residential development; planned unit development that are shown on Appendix H of this title.

(iv) For projects subject to site review in section 9-2-14, "Site Review" B.R.C. 1981 the floor area shall be calculated based upon each dwelling unit that is proposed for the property. Each dwelling unit within a development shall not exceed the floor area ratio that is specifically associated with the land area for such dwelling unit as part of a site review.

(C) Maximum Floor Area Permitted: The maximum floor area shall be the floor area that is in table 8-3, "Maximum Floor Area Ratio for Residential Land Uses."

TABLE 8-3: MAXIMUM FLOOR AREA RATIO FOR RESIDENTIAL LAND USES

<u>Lot Size:</u>	<u>< 5,000 SF</u>	<u>5,000 to 10,000 SF</u>	<u>10,001 to 22,500 SF</u>	<u>> 22,500 SF</u>
<u>RR-1, RR-2, RE, RL-1, and RL-2</u>	<u>0.62:1</u>	<u>(Lot Size x 0.2) + 2,100</u>	<u>(Lot Size x 0.122) + 2,880</u>	<u>0.25:1</u>

<u>Lot Size:</u>	<u>< 4,000 SF</u>	<u>4,000 to 4,999 SF</u>	<u>5,000 to 6,499 SF</u>	<u>6,500 to 10,000</u>	<u>> 10,000 SF</u>
<u>RMX-1</u>	<u>0.74:1</u>	<u>(Lot Size x 0.20) + 2150</u>	<u>(Lot Size x 0.20) + 2320</u>	<u>(Lot Size x 0.195) + 2450</u>	<u>0.42:1</u>

(D) Floor Area Counted: The maximum floor area allowed includes the floor area of all levels.

(i) The amount of contributing floor area of the lowest level shall be calculated as follows:

(Length of the perimeter of the wall that is exposed more than three feet above adjacent finished grade) ÷ (Total length of the perimeter of the wall) = (the percentage of the floor area that is counted on lowest level). See Figure 9-15.

Window wells or door wells shall not be considered an exposed wall if the following standards are met: distance of the opening of the well is no more than four feet, measured perpendicular to the wall; the well does not exceed five feet in length measured parallel to the wall; and the cumulative length of all wells along any front, rear, or side yard does not exceed twenty feet in length for each such yard.

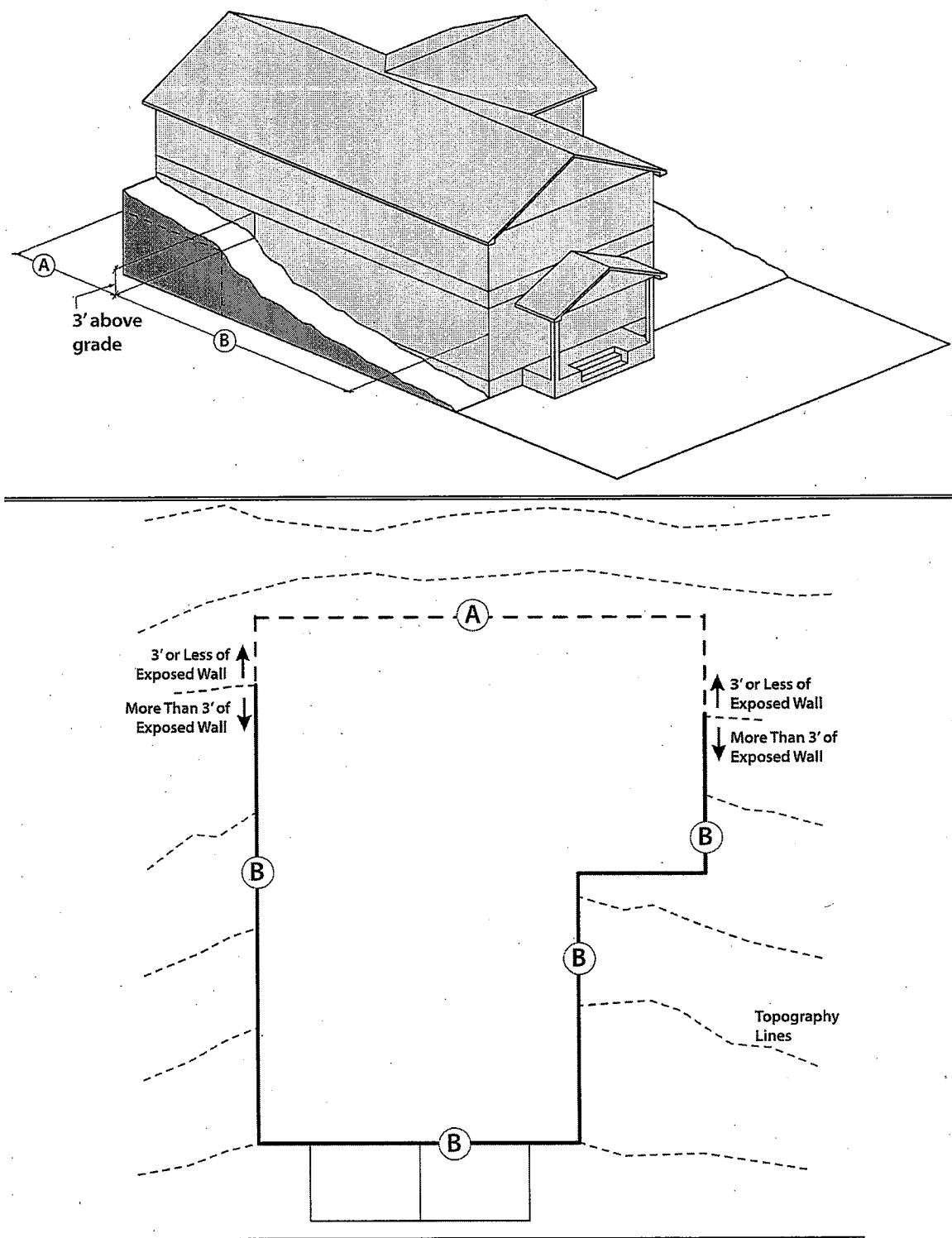
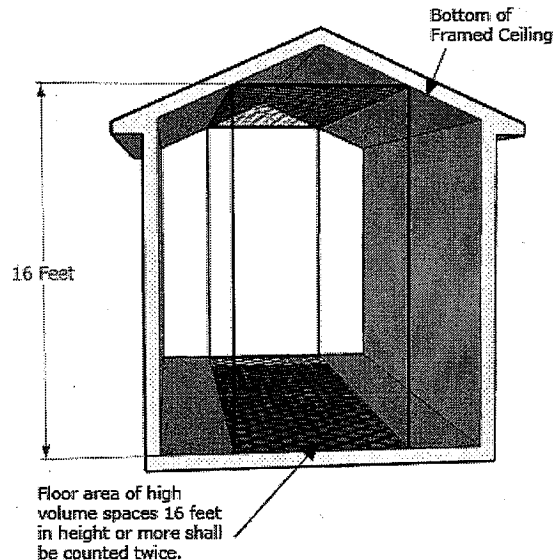


Figure 9-16: Floor Area Ratio Calculation for Lowest Level Floor with Totally or Partially Exposed Walls

Wall area A is partially exposed above grade by three feet or less. Wall area B is exposed above grade by more than three feet. For example:

$(\text{Length of wall B}) / (\text{Length of wall A} + \text{B}) = \text{The percent of floor area calculated towards FAR.}$

- (ii) The floor area of a high volume space where the distance between any floor and the bottom of the framed ceiling directly above it is sixteen feet or more shall be counted twice. If the distance between any floor and the bottom of the framed ceiling directly above it is twenty-six feet or more, the floor area shall be counted three times. Up to one hundred fifty square feet of a stairwell shall not be considered a high volume space subject to the requirements of this paragraph.



High Volume Spaces

(E) Floor Area Exempt for Accessory Buildings in Historic Districts and associated with Individual Landmarks: Floor Area for accessory buildings may be exempted from the maximum floor area permitted if the following standards are met:

- (i) The accessory building contributes to the historic significance of an individual landmark or a historic district;
- (ii) The accessory building was built during the individual landmark or historic districts' period of significance;
- (iii) Only that portion of the accessory building built during the period of significance is eligible for an exemption; and
- (iv) The floor area subject to this exemption is added to another principal or accessory building on the same property and approved as part of a landmark alteration certificate pursuant to section 9-11-12, "Landmark Alteration Certificate Required," B.R.C. 1981.

Section 9. The following definitions in section 9-16-1, B.R.C. 1981 are amended to read:

'Building coverage' means the maximum horizontal area within the outer perimeter of the building walls, dividers, or columns at ground level or above, whichever is the greater area, including, without limitation, courts and exterior stairways, but excluding:

- (1) Uncovered decks, ~~porches~~, stoops, patios, terraces, and stairways all less than thirty inches high; and
- (2) The outer four feet of completely open, uncovered, cantilevered balconies that have a minimum of eight feet vertical clearance below;
- (3) Up to three hundred square feet of a single-family detached residence front porch that is adjacent to a street; and
- (4) Up to one hundred fifty square feet of additional porch area not located in the front yard for single-family detached residence.
- (5) One accessory building, no larger than eighty square feet size and no taller than ten feet in height, associated with a single-family detached residence.

'Nonstandard building' means any building that does not conform to the setback, ~~or height, side yard bulk plane, side yard wall length articulation, or building coverage~~ requirements of section 9-7-1, "Schedule Of Form And Bulk Standards," or the floor area ratio requirements of 9-8-1, "Schedule Of Intensity Standards," and 9-8-2, "Floor Area Requirements," B.R.C. 1981, unless the nonstandard features of the building were approved as part of a planned unit development or a site review, or as a variance.

'Uninhabitable space' means a room or portion thereof that is six feet or less in floor to ceiling height, or a room solely used to house mechanical or electrical equipment that serves the building, including, without limitation, heating, cooling, electrical, ventilation and filtration systems, or any parking facility located completely below grade on all sides of the structure regardless of the topography of the site (see definition of "floor area").

Section 10. Subsection 4-20-4(d), B.R.C. 1981 is amended to read:

(d) Other fees are as follows:

	<i>Permit</i>	<i>Fee</i>
(1)	Demolition Permit (A) Interior/nonloadbearing (B) All other	24.55 173.70
(2)	Fence Permit and Retaining Wall Permit	4.05 for each \$100.00 (No maximum)
(3)	Temporary Event Permit Fee	28.05
(4)	Reinspection Fee	94.00 per occurrence (Payable before any further inspections can be done.)
(5)	Change of Use Fee	81.00 (Can be credited to building permit fee if permit applied for and paid within ninety days.)
(6)	After Hours Inspection	123.00 per hour -- two-hour minimum

(7)	Plan Check Fee (due at time of permit application): (A) Residential, single-family (B) Residential, multi-family (C) Nonresidential	Fifty percent of the building permit fee Twenty-five percent of building permit fee Sixty-five percent of building permit fee Sixty-five percent of building permit fee
(8)	Plan Check Fee for revised plans (due at time of plan resubmittal): (A) Revision to plan: (B) Minor revision to plan:	Fifty percent of plan check fee Twenty-five percent of plan check fee
(9)	Energy Code Calculation Fee: Heat Loss Calculation Check Fee: (A) Residential (B) Commercial Corrections that necessitate resubmission will be charged an extra twenty-five percent of original fee.	\$ 83.90 \$104.05
(10)	Reinstatement of Permit	Fifty percent of Building Permit Fee (Energy Fee will not be charged if no further review is required.)
(11)	Temporary Certificate of Occupancy	\$173.70
(12)	Replacement of Lost Plans/New Red-lines: (A) Residential/tenant finish (B) Commercial - New	\$116.60 plus cost of reproduction 347.60 plus cost of reproduction
(13)	Gasoline Tank Installations	\$69.54
(14)	House Moving Permit	\$58.50
(15)	Grading Fees: (A) Grading Plan Review Fees: (i) Fifty cubic yards or less.....No fee (ii) Fifty-one through one hundred cubic yards.....\$18.65 (iii) One hundred one through one thousand cubic yards.....\$28.00 (iv) One thousand one through ten thousand cubic yards.....\$37.30 (v) Ten thousand one through one hundred thousand cubic yards--\$37.30 for the first ten thousand cubic yards, plus \$18.65 for each additional ten thousand yards or fraction thereof. (vi) One hundred thousand one through two hundred thousand cubic yards--\$205.60 for the first one hundred thousand cubic yards, plus \$11.15 for each additional ten thousand cubic yards or fraction thereof. (vii) Two hundred thousand one cubic yards or more--\$317.45 for the first two hundred thousand cubic yards, plus \$5.55 for each additional ten thousand cubic yards or fraction thereof. (viii) Additional plan review required by changes, additions, or revisions to approved plans--\$51.30 per hour (minimum charge--one-half hour). (B) Grading Permit Fees: (i) Fifty cubic yards or less.....\$18.65 Fifty-one through one hundred cubic yards.....28.00 (ii) One hundred one through one thousand cubic yards--\$28.00 for the first one hundred cubic yards plus \$12.60 for each additional one hundred cubic yards or fraction thereof. (iii) One thousand one through ten thousand cubic yards--\$145.70 for the first one thousand cubic yards, plus \$11.15 for each additional one thousand cubic yards or fraction thereof. (iv) Ten thousand one through one hundred thousand cubic yards--\$246.50 for the first ten thousand cubic yards, plus \$50.25 for each additional ten thousand cubic yards or fraction thereof.	

1 (v) One hundred thousand one cubic yards or more--\$700.30 for the first one hundred thousand cubic
yards, plus \$28.00 for each additional ten thousand yards or fraction thereof.

2 The fee for any permit issued after construction has begun shall be twice the amount of each fee listed above.

3
4 Section 11. Title 9, B.R.C. 1981 is amended by the addition of a new Appendix H to
5 Title 9 which is attached to this ordinance as Exhibit A.

6 Section 12. This ordinance shall be prospective in nature and apply to building permit
7 applications submitted after the effective date of this ordinance. This ordinance shall be
8 effective ninety days after the final reading of this ordinance.

9 Section 13. Building permits that are found to be complete and meet the requirements in
10 effect at the time of application by the city manager may be considered under the development
11 regulations in effect at the time of application, provided that the applicant: (A) continues to use
12 due diligence to commence and complete construction of such building; and (B) continues to
13 meet all deadlines set by city building codes or that otherwise may be set by the city manager.

14 Section 14. The city council orders the city manager to renumber and correct any
15 citations that may need to be changed as a result of adopting this ordinance.

16 Section 15. This ordinance is necessary to protect the public health, safety, and welfare
17 of the residents of the city, and covers matters of local concern.

18 Section 16. The city council deems it appropriate that this ordinance be published by title
19 only and orders that copies of this ordinance be made available in the office of the city clerk for
20 public inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AMENDED AND ORDERED
2 PUBLISHED BY TITLE ONLY this 18th day of August 2009.

3
4 _____
Mayor

5 Attest:

6
7 _____
City Clerk on behalf of the
Director of Finance and Record

8
9 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
10 TITLE ONLY this 17th day of September 2009.

11
12 _____
Mayor

13 Attest:

14
15 _____
City Clerk on behalf of the
Director of Finance and Record

16
17 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED
18 BY TITLE ONLY this 1st day of October 2009.

19
20 _____
Mayor

21 Attest:

22
23 _____
City Clerk on behalf of the
Director of Finance and Record

EXHIBIT A TO ORDINANCE NO 7684

Appendix H RL-2 Properties Within PD, PRD, PUD Subject to Compatible Development Regulations

